

Summary Minutes of the  
Delta Protection Commission - Visioning  
Thursday, May 26, 2006

**1. Call to Order/Flag Salute**

Chairman McGowan called the meeting to order at 6:45 p.m.

**2. Roll Call**

**Present:** Chairman McGowan, Vice Chairman Ferguson, Commissioners Calone, Johnson, Kelly, Reagan, Sanders, Shaffer, Simonsen, and van Loben Sels. Marina Brand for Sandra Morey and Roberta Goulart for Mary Piepho.

**Absent:** Commissioners Beckman, Cabaldon, Morey, Nottoli, Ornellas, Perez, Piepho, Scriven, and Wilson.

**3. Public Comment**

Russell van Loben Sels said he was concerned with the subdivision of farmland parcels in the Delta. He suggested that the Commission pro-actively look at the problem and develop strategies and programs to provide positive incentives not to subdivide.

Peggy Bohl, Clarksburg, announced that the Alliance of Concerned Citizens of the Sacramento River Delta sent out a press release announcing its formation. The Alliance is an unincorporated group of private citizens that formed a Delta-wide organization with the goal of protecting, preserving and enhancing the Sacramento River Delta. Ms. Bohl asked that Commission help the group obtain a scholarship to attend the Delta Vision Conference being held on June 6-7 at the University of the Pacific. Ms. Fiack replied that she would make phone calls on behalf of the group to try to secure a scholarship.

**CONSENT AGENDA – Items 4-19**

Commissioner Kelly requested that items 7, 8, 9, 11, and 18 be removed from the consent agenda for further discussion.

Commissioner Calone moved approval of the consent agenda. Commissioner van Loben Sels seconded. The motion was approved unanimously.

**7. Approve Letter to Contra Costa County in Support of Grant Application to State Water Resources Control Board for the Sacramento-San Joaquin Delta Watersheds Boating Program.**

Commissioner Kelly asked for clarification on this item. Ms. Fiack reported that a grant is in place that initiated a program for clean boating methods. She said that since the program is a success, the Contra Costa County is proposing to expand the grant to become Delta-wide. Additionally, the Commission is working with the sheriff departments and environmental staff of the five Delta counties to utilize the money available for abandoned vessel removal. She stated that the abandoned vessel application process is a component of an application asking that Contra Costa County act as a clearinghouse for the pass through of funding under this program.

Commissioner Johnson said that DBW would support the application because it uses a regional approach for clean water activities.

Commissioner Simonsen moved approval of the item as presented; Commissioner Johnson seconded. The motion was approved unanimously.

**8. Receive Informational Summary of State Strategic Growth Plan Relative to Housing, Levee Repair and Flood Control, and Transportation.**

Commissioner Kelly stated that she wanted clarification on this item since it seemed to affect development in the Secondary Zone. She asked if the Commission could affect the process of the bond that would help alleviate some of the pressure of development in the Secondary Zone. Ms. Fiack responded that she has made the Resources Agency aware that the Strategic Growth Plan should be consistent with the Commission's Plan and Act; and although the Commission has an avenue to voice its perspective through the Deputy Secretary for Legislation, the Resources Agency has not yet taken an official position on the legislation.

**9. Receive Corps of Engineers Draft Report to Congress on the Delta Levee Stability Program Strategy for Action (prioritization for expenditure of allocated \$90 million)**

Lynn O'Leary provided an update on the draft report. The report, authorized under PL108-361, directs the Corps to put together a prioritization list for potential levee improvement projects in the Delta. It authorizes \$90 million in federal funding, of which, \$7 million is authorized per project for small projects. Ms. O'Leary reported that 54 projects met the initial screening requirement, and of these 35 projects met the small project requirement and 13 projects met the high or medium requirement.

Commissioner van Loben Sels asked Ms. O'Leary if the Corps received a lot of late requests. Ms. O'Leary said they did not; however the Corps extended the filing deadline by more than a week. She said that depending on how Congress appropriates funding, the Corps might be able to consider new proposals.

**11. Receive Minutes of Old Sugar Mill Project Consideration by Yolo County Planning Commission and Recommendations to Yolo County Board of Supervisors—date to be determined.**

Ms. Fiack reported that the project went before the Yolo County Planning Commission on March 30, 2006. A summary of the meeting listed recommendations and Yolo County staff will take those recommendations before the Board of Supervisors. No date has been set for the project to come before the Board of Supervisors, however she will continue to follow the item.

**18. Receive Information on Status of Legislation Relative to Commission Role, Projects, and Activities: AB 797 (Wolk), Sacramento-San Joaquin Delta; SB 1556 (Torlakson), The Great California Delta Trail; AB 1561 (Umberg), Meeting Attendance Requirements for Boards and Commissions; and AB 798 (Wolk), Extension of Delta Subventions Program.**

Commissioner Kelly said that with regard to AB 797 the Primary Zone is well protected and by taking an easement from the Secondary Zone and moving to the Primary Zone, you have freed up property in the Secondary Zone for development. She said she did not see where the Commission gained much with respect to development pressures in the Primary Zone. Ms. Fiack responded that development projects in the Secondary Zone need to establish mitigation and under AB 797, the developer could go forward with the project by establishing mitigation somewhere else. She clarified that the Act and the Plan do not indicate no development in the Primary Zone but that any development/project should be consistent with the Act and Plan.

**20. Informational Presentation by the Department of Fish and Game, and Opportunity for Input on the Process Underway for Development of Yolo Wildlife Area Land Management Plan**

Dave Feliz, Manager, Yolo Wildlife Area provided an update on the process for developing the plan. DFG is currently preparing its land management plan and initial study, and after a public review period the final plan should be ready by Fall 2006.

Commissioner van Loben Sels asked if the same number of acres were being farmed with the Glide family. Mr. Feliz responded no.

Commissioner Reagan asked where the funding came from. Mr. Feliz responded that funding came from Proposition 99 and the Environmental License Plate Fund.

Commissioner Shaffer reported that the Budget Change Proposal for *Payment in Lieu of Fees* was not approved by the Governor. He asked if the value of ag land was changing. Mr. Feliz responded yes.

**21. Receive Update from Attorney General, Including Information on Ex-Parte Communications During Commission Appeal Process**

Dan Siegel discussed ex-parte communications concerning matters that have been appealed to the Commission. He said that if any Commissioner is contacted by an interested party then that Commissioner cannot discuss the appeal. If, nevertheless, communication does occur, then the Commissioner must disclose the communication on the record at the Commission hearing. Mr. Siegel said that if the communication occurs by mail, then copies should be given to the Executive Director to be given to the public. Mr. Siegel said that while there is no prohibition on ex-parte contacts prior to the filing of an appeal, the Commissioner should be very prudent about matters likely to be appealed, and refrain from discussing them unless they need to in another capacity (such as a Board of Supervisors member).

Chair McGowan asked who would constitute an interested party. Mr. Siegel responded that an interested party is anyone who wants to discuss an appeal.

Commissioner Kelly asked if Commissioners were prohibited from conferring with an interested party if the party is their boss. Commissioner Shaffer said that Commissioners should confer with their various Agency Secretaries as to what Department policy should be. Mr. Siegel added that an Agency representative should attend the hearing to present that Agency's position.

- 22. A. Review and Discuss Draft Commission 2006-2011 Strategic Plan Prepared Pursuant to Visioning/Strategic Planning Sessions Held on February 2, 2006, March 2, 2006, and March 23, 2006. (Patrick Bell/Jeff Small)**
- B. ADOPT Strategic Plan Pursuant to Commission Member Input, Including: Vision; Mission; Program, Funding, and Leadership Strategies; Strategic Work Plan Goals for Program Administration; and Strategic Work Plan Goals for Implementation of the Land Use & Resource Management Plan for the Primary Zone of the Delta.**
- C. Receive Information on Invoice for Commissioner Entity Contributions for Costs Associated with Consultant Services for Strategic Planning Process Pursuant to Commission Action on September 22, 2005. (L. Fiack)**

Jeff Small, Capitol Public Finance Group reported that he and Patrick Bell, Edge Consulting, have worked for the past five months in developing a strategic plan for the Commission to adopt. He said the latest version has specifics regarding program, funding and leadership strategies to implement the management plan based on specific priorities and goals of the Commission. Mr. Small asked for comments and input.

Commissioner van Loben Sels asked for clarification of vision statement #5. He said the statement seemed too weak to allow the Commission to seek out funding to achieve a Delta vision; furthermore it does not state what the Commission would do with the additional funds. Mr. Small responded that the statement was not necessarily an element of the Act, but more of a general policy of having a collaborative process to participate with other stakeholders based on resources and priorities of the Commission.

Ms. Goulart said that she too was concerned that the Commission would be seeking out funding with no specific projects as goals. She said that the Commission should be careful when taking on projects, as to not spread itself too thin.

Ms. Fiack said that the goals are for a five-year timeframe and the tasks are for a one-year timeframe; the intention is that the Commission will establish the tasks annually.

Commissioner Kelly suggested that the phrase “inconsistent levee integrity” be changed to “insufficient levee integrity”. She also said that the Commission should receive a presentation on critical certainties, and add a bullet to explore options for land use.

Ms. Bohl thanked the Commission for adopting some of the comments of the Alliance and suggested the Commission lobby for more money.

### **23. Commissioner/Staff Comments and Announcements**

Ms. Fiack announced that Commissioner entities would receive an invoice of about \$800 to help fund the consultants who put together the strategic plan.

Commissioner van Loben Sels reported that Jones and Stokes would be issuing an administrative draft of the North Delta Improvement Program for review in July 2006.

Commissioner Johnson reported that DBW received calls regarding the high water levels of the Delta, and in the interest of public safety, a key advisor made the decision to close the Delta to recreational boating in San Joaquin County during the early part of boating season.

### **24. Adjourn**

The meeting was adjourned at 9:30 p.m.

The next meeting of the Commission is July 27, 2006.